Attorney Docket No. 39351.8002.US01

IN

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

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Rena lov

**PATENT** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BI, XIAOLI ET AL.

APPLICATION No.: 10/625,444

FILED: JULY 22, 2003

FOR: METHOD, CODE, AND SYSTEM FOR

**ASSAYING JOINT DEFORMITY** 

EXAMINER: JOHNS, ANDREW W.

**ART UNIT: 2621** 

CONF. No: 7956

<u>Within Three Months of Application Filing or</u>
<u>Before First Action – 37 C.F.R. § 1.97(b)</u>

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

### 1. <u>Timing of Submission</u>

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

#### 2. Cited Information

	Cop	ies of the following references are enclosed:
		All cited references
		References marked by asterisks
•		The following:

[/LA053320.040] 1

	No. :					
		All cited references References marked by asterisks The following:				
	paten	application was filed after 30 June 2003 and no copies of U.S. ts nor published applications are enclosed (See Notice of Deputy nissioner Kunin on 11 July 2003).				
	The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.					
		All cited references References marked by ampersands The following:				
Effec	t of Info	ormation Disclosure Statement (37 C.F.R. § 1.97(h))				
that: exam result cited applic art to	(i) a sination is and the information the sul	ation Disclosure Statement is not to be construed as a representation search has been made; (ii) additional information material to the of this application does not exist; (iii) the information, protocols, the like reported by third parties are accurate or enabling; or (iv) the ation is, or is considered to be, material to patentability. In addition, es not admit that any enclosed item of information constitutes prior bject invention and specifically reserves the right to demonstrate that erence is not prior art.				
Fee F	Paymer	<u>nt</u> -				
		believed due because this Information Disclosure Statement is being the mailing date of the first Office Action.				
		cant further submits that no fee is due in light of the following cation under 37 C.F.R. § 1.97(e) (check only one):				
		In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or				

[/LA053320.040]

3.

4.

In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2586.

## 5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted, Perkins Coie LLP

Date: 11/29/05

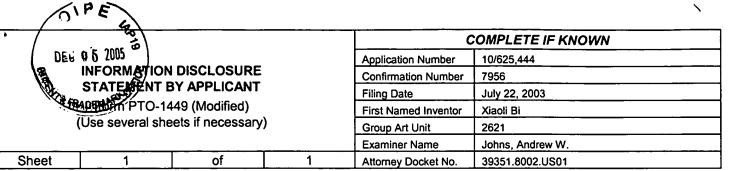
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		<u>.</u>			u	J.S. PATENT DOCUMENTS	<u> </u>		
Examiner Initials*	Cite No.		U.S. Patent or Application  Kind C  NUMBER (if known			Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines Where Relevant Passage Relevant Figures Appea	s or
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EXAMINER		DATE CONSIDERED				
*EXAMINER:	Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not					
	considered. Include copy of this form with next communication to application(s).					